IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 4516 of 2004(K)

PETITIONER:

M.D.AUGUSTY, AGED 55,
S/O. DEVASSY, MANGALAPPILLY HOUSE,
CHERUKADAPPURAM, NORTH KUTHIATHODU P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENTS:

THE CATHOLIC SYRIAN BANK LTD.,
REPRESENTED BY ITS BRANCH MANAGER,
BRANCH AYIROOR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.4516/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF EXECUTION PETITION IN E.P.72/02 IN O.S.415/98 OF ADDL. SUB COURT, N.PARUR, DT.28.2.02.

EXT.P2 – TRUE COPY OF PETITION EP.72/02 IN O.S.415/98 OF DO. DT.3.12.03.

EXT.P3 – TRUE COPY OF PETITION IN EP.72/02 IN O.S.415/98 OF DO. DT.18.12.03

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.4516 OF 2004

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DATED THIS THE 18TH JUNE, 2007

J U D G M E N T

This Writ Petition is filed seeking a direction to the respondent-decree-holder-bank to allow the petitioner to settle the decree debt as per Ext.P1, as per the terms of the one time settlement scheme introduced by the bank. Even though stay of execution proceedings was sought for, this Court was not inclined to grant stay and ordered only notice. Though notice was ordered way back on 6.2.2004, service is not yet complete. In all probability, the execution is already over. However, the Writ Petition will stand disposed of directing the respondent-bank to consider the application, if any, received from the petitioner for one-time settlement of the issue involved in E.P.72 of 2002, if such an application is received within one month of the petitioner receiving copy of this judgment. It is open to the bank to take any fair decision on that application, having due regard to the stipulations in the circulars of the RBI relevant in that regard.

(PIUS C.KURIAKOSE, JUDGE)

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